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Doing Business As HALUS POWER SYSTEMS

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

TDX POWER SERVICES, LLC, An Alaska  
Limited Liability Company,

Plaintiff,

vs.

LOUIS RIGAUD, Doing Business As HALUS  
POWER SYSTEMS,

Defendants.

CASE No. CV 12 4419PJH

Complaint filed: 8/22/2012

**STIPULATION OF DISMISSAL OF  
COMPLAINT AND COUNTERCLAIM  
AND ORDER**

The Honorable Phyllis J. Hamilton

LOUIS RIGAUD, Doing Business As HALUS  
POWER SYSTEMS,

Counterclaimant,

vs.

TDX POWER SERVICES, LLC, An Alaska  
Limited Liability Company,

Counterdefendant.

Pursuant to Northern District Local Rules 6-1(b), 6-2, and 7-11, Federal Rule of Civil Procedure 41(a)(2) and this Court's prior Order dated July 29, 2013, IT IS HEREBY STIPULATED by and between Plaintiff and Counterdefendant TDX POWER SERVICES, LLC ("TDX") and Defendant and Counterclaimant LOUIS RIGAUD, doing business as HALUS POWER SYSTEMS ("Rigaud") (collectively "the Parties") to this action that the

1 Case Management Conference currently scheduled before the Honorable Phyllis J.  
2 Hamilton on March 27, 2014, be discontinued and the case be dismissed as more fully  
3 described below.

4 WHEREAS, the Parties filed a Notice of Settlement and Stipulation to Continue  
5 Jurisdiction of the Court to Enforce Settlement on July 29, 2013, and this Court entered  
6 Orders continuing the Case Management Conference to March 27, 2014;

7 WHEREAS, subsequent to the execution of the Settlement Agreement dated July  
8 8, 2013, the Parties have performed various obligations contained in the Settlement  
9 Agreement;

10 WHEREAS, the Parties now request this Court to vacate the Case Management  
11 Conference and enter an order dismissing TDX's Complaint and Rigaud's Counterclaim,  
12 both with prejudice except as stated further herein;

13 WHEREAS, the Parties desire that notwithstanding the dismissal of the Complaint  
14 and Counterclaim, the United States District Court retain jurisdiction over the Parties to  
15 enforce any remaining obligations in the Parties' Settlement Agreement effective July 8,  
16 2013, including the right to seek specific performance of any of the Parties' remaining  
17 obligations thereunder.

18 NOW, THEREFORE, the Parties respectfully request the Court to dismiss Plaintiff  
19 and Counterdefendant TDX POWER SERVICES, LLC's Complaint with prejudice and  
20 Defendant and Counterclaimant LOUIS RIGAUD, doing business as HALUS POWER  
21 SYSTEMS' Counterclaim with prejudice, and the Court so orders the Parties' respective  
22 requests; and

23 The Court vacates the Case Management Conference set on March 27, 2014. The  
24 Court dismisses Plaintiff's Complaint and Rigaud's Counterclaim, with prejudice, except  
25 as to any remaining obligations of the Parties, in the Settlement Agreement and as to  
26 those obligations, the Court dismisses Plaintiff's Complaint and Rigaud's Counterclaim  
27 without prejudice, but agrees to retain jurisdiction to enforce the Parties' Settlement  
28 Agreement dated effective July 8, 2013.

1 DATED: March 26, 2014

McMILLAN & SHUREEN LLP

2 By /s/Donald T. McMillan  
3 Donald T. McMillan  
4 Attorneys for Defendant LOUIS RIGAUD dba  
HALUS POWER SYSTEMS

5 DATED: March 26, 2014

ABBEY, WEITZENBERG, WARREN & EMERY

6 By /s/Mitchell B. Greenberg  
7 Mitchell B. Greenberg  
8 Attorneys for Plaintiff

9 DATED: March 26, 2014

LAW OFFICES OF ROBERT J. RAUCH

10 By /s/Robert J. Rauch  
11 Robert J. Rauch, Esq.  
12 Attorney for Plaintiff

13  
14 **ATTESTATION CLAUSE**

15 In accordance with General Order No. 45, Rule X, the below signatory attests that  
16 concurrence in the filing of this document has been obtained from each signatory above.

17 DATED: March 26, 2014

McMILLAN & SHUREEN LLP

18 By /s/Donald T. McMillan  
19 Donald T. McMillan  
20 Attorneys for Defendant LOUIS RIGAUD dba  
HALUS POWER SYSTEMS

21  
22 PURSUANT TO STIPULATION, IT IS SO ORDERED. THE CASE MANAGEMENT  
23 CONFERENCE SET FOR MARCH 27, 2014 AT 2:00 P.M. IS VACATED. THE COURT  
24 DISMISSES WITH PREJUDICE PLAINTIFF'S COMPLAINT AND DEFENDANT AND  
COUNTERCLAIMANT LOUIS RIGAUD DBA HALUS POWER SYSTEMS'  
COUNTERCLAIM AS SET FORTH IN THE PARTIES' STIPULATION.

25 Date: 3/27/14

26 Phyllis J. Hamilton  
27 United States District Court, Northern  
28 District of California

